

Thousands of people lost loved ones. Nothing could ever make up for the loss of a mother or father, son or daughter, brother or sister, friend, or a spouse who was just catching a plane, going to work, or at work on that horrific day. They are the reason we will never forget—ever.

So today, as yesterday, I honor the memory of the thousands of innocent people who died at the World Trade Center, at the Pentagon, on the hijacked planes in New York, Pennsylvania, and Virginia. I honor the memory of the firefighters who knew the danger they faced when they entered those buildings but went in anyway. I honor the police and rescue workers who rushed to the scene and combed through the debris, some of whom died that day. I honor the many dedicated members of our Armed Forces, our State Department, the U.S. Agency for International Development, and our intelligence community who have sacrificed their lives to keep us safe and keep September 11 from ever happening again.

Today, at approximately 6 o'clock, we will gather on the east front of the Capitol. In looking at the program, I see the final thing that will happen there is one of the military bands and choir will sing "God Bless America." That happened on September 11. Senator Daschle and I had come back, and we gathered on the front of the Capitol. We really were there not knowing what to do; we just wanted to be together. As I remember, Senator MIKULSKI said in her usual voice, which demands attention, "Let's sing 'God Bless America.'" And we did. I don't know how well we sang it, but it was a memorable event. So I will remember that very clearly tonight when we close our recognition ceremony out there on the east front of the Capitol singing "God Bless America"—something we did 10 years ago.

Mr. President, I honor America's spirit of perseverance and commitment to freedom. May we never forget.

Will the Chair announce the business of the day.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed for 15 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1538 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MEDICAL DEVICE TAX

Mr. COATS. Mr. President, we all heard the President speak to a joint session of Congress last week about his jobs bill, which was released this morning. The President indicated he wanted to take his case to the people. I am glad he is doing so. As he travels about the country, I think he will be hearing what many of us heard during the August work period when we were back at home.

As I traveled across the State of Indiana and talked to people from all different categories of industry—small to medium to large businesses—home-owners and other constituents, one thing came through loudly and clearly: I needed to listen to them more than they needed to listen to me. What was on their minds is what I think the President will be hearing about as he travels across the country to talk about his jobs plan because, clearly, on the minds of the American people are jobs and the lack of jobs for many who are struggling through a very difficult time of unemployment. There are students who graduated from college with no place to go. People in middle age are being laid off or terminated, unable to find new work. Clearly, we have a jobs crisis in this country. It has lasted now for some time. We have been in a deep recession. Hopefully, we are coming out of it, but the latest indicators show that things are pretty stagnant. In fact, the latest facts that came forward in the August reports were that job growth is zero. So we have some work to do. We also need to look carefully at the proposal the President brought before us.

Getting back to the central point I am trying to make, what he will hear, I believe, from the American people—at least he will hear it if he stops in Indiana—is there is a great cloud of uncertainty hanging over the future and,

because of that, people are holding back on spending and businesses are holding back on hiring. There certainly is not the confidence we have seen in the past. We have seen that confidence indicator drop and drop and drop—confidence in the future that we have our act together, that we are pulling out of this recession, and that we can look forward to a brighter tomorrow because our economy will be growing and we will be adding more jobs. That uncertainty results from a number of factors. Clearly, we have been in a downturn, and we are trying to climb out of that, but there is also uncertainty about what policies will be coming out of Washington that will affect the job creators and will affect consumers as they contemplate decisions regarding how to go forward.

One of those key indicators is the uncertainty over what the Tax Code will bring regarding the taxing of profits or income or revenue that comes into America's companies. I wish to highlight one of those because it is important to the State of Indiana, but I think it also makes the larger point. There are industries that can be an essential part of our future and that can and are providing for essential employment, at higher than average wages with good skill levels, and that hold a lot of potential for our exporting successfully overseas as well as providing necessary products here at home.

One of those industries is centrally located in Indiana—in fact, it is one of our top industries and an industry with significant growth over the last decade or more; that industry is the medical device industry. Yet the medical device industry, because of its success, was targeted during the formation of the health care plan that was proposed by the President and passed by this Congress in the last session. That bill imposed a tax increase on the medical device industry, even though they did not have a direct relationship with what was trying to be accomplished in the ObamaCare medical plan. Here is an industry that is a world leader, where the United States is a world leader, an industry that brings in substantial revenue, has seen a significant increase in growth, and holds great potential for the future. Yet because there was a search for pay-fors for the health care plan, the administration looked at this industry and basically said: We can draw some taxes and provide some revenues. Their proposal was to achieve \$40 billion over a period of time, all of which would go to help pay for the health care plan. That was reduced through an amendment—or through negotiations—to \$20 billion. Nevertheless, it should have never been included in the first place. It was there for a revenue raiser, and it didn't have anything to do with the particular plan.

Indiana is one of the world leaders in the development of medical technologies that enhance and save the lives of Hoosiers and patients around the world. We have more than 300 FDA-

registered medical device manufacturers, employing 20,000 Hoosiers directly and another 28,000 indirectly. There are more than 400,000 workers employed nationwide by this industry. These are jobs that pay, on average, 41 percent higher wages than the State wage rate in Indiana.

Medical device manufacturing has been a thriving industry. It is critical to our State economy and many States' economies, and I will list some of those. States such as California, Florida, Illinois, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Texas, Wisconsin, and including my State of Indiana could suffer more job losses if this tax is allowed to go into effect. In fact, a study that has come out produced by the Advanced Medical Technology Association analyzed the potential effect of the health care law's device tax on employment and the medical device industry, and I quote from that report:

... under reasonable assumptions, the tax could result in job losses in excess of 43,000 workers and employment compensation losses in excess of \$3.5 billion. That would be a devastating blow to the industry and, of course, to many local economies.

Beyond that, I have met with these device manufacturers on numerous occasions. Essentially, what they have said to me is: We like working in Indiana. We like the productivity we are getting. But if we continue to be taxed and regulated to the point where we are no longer competitive in selling our products worldwide, we are going to have to take a serious look at moving our production overseas. They said: We don't want to do this. We want to stay here. But we need to be competitive because you have to understand that a lot of our revenue comes from exporting overseas.

Of course, this is what we want to encourage. Our trade balance is in deficit and the more we can export and the more we have cutting-edge industries that export enhanced products to overseas customers, the better our own economic situation will be here at home.

At a time when 14 million Americans are looking for work and at a time when our country has suffered through 31 consecutive months of unemployment above 8 percent, I think we need to take a close look at the job creators in our country and determine whether the taxation or regulation that is being imposed on them is having a dramatic impact on our ability to provide more jobs. The people I have talked to said it is having the opposite effect.

Senator HATCH has introduced a bill to repeal this tax. It was controversial when it was first brought forward. I think the Congress ought to take a look at this legislation. If we want to provide some job-creating opportunities in America, we need to look at the taxes and regulations that are stifling growth and the ability to hire more people.

I am a proud sponsor of Senator HATCH's legislation to repeal this ex-

cise tax. It will, as I said, benefit many States and provide many jobs and prevent jobs from leaving American soil. So I encourage my colleagues in the Senate to join this commonsense legislation and repeal the tax on medical devices. If we want to spur economic growth, it is time we take a closer look at the harmful impacts of policies that are stifling growth. This is one industry—and I hope to highlight more in the future—but one industry that clearly is being penalized for being successful. It is hurting our economy, and it is hurting our ability to provide job growth.

I wish the President well. I hope he listens intently. I hope he hears the same sentiment I heard as I traveled around the State of Indiana. I believe the conclusion is inevitable; that is, taxation, regulation, and the policies coming out of Washington bring uncertainty to the marketplace, and uncertainty to the marketplace affects consumer confidence and affects the confidence of those job creators and employers who are frozen in time waiting to see how all this is going to turn out. They are fearful of hiring more employees because they do not know what the impact is going to be on their payroll and on their expenses, and they are waiting for the next regulation to come down that might impact their business in a negative way.

We need certainty coming out of Washington, not uncertainty. I am hoping over the next 2 or 3 months, as Congress works to come together with a sensible plan to deal with our deficit, we can enact a good plan for the future in terms of how to deal with our deficit and we can bring some certainty to the future and get our economy back on the right track.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ISRAEL-PALESTINIAN PEACE PROCESS

Mr. BARRASSO. Mr. President, I rise today to express my thoughts and my concerns about an issue of the utmost importance; that is, the Israel-Palestinian peace process.

Tomorrow, September 13, 2011, the General Assembly of the United Nations will commence with its 66th session in New York. Every year, member nations come together to debate and discuss the important issues facing the world at the United Nations General Assembly. While there will be a variety of issues on the agenda this year, I am extremely concerned about one issue specifically.

Over the last several months, Palestinian Authority President Abbas has repeatedly voiced his intention to formally request statehood recognition and full membership in the United Nations. In July, the Arab League endorsed this irresponsible ploy. Regrettably, President Abbas intends to make the formal request during this session of the United Nations General Assembly.

I oppose the decision of the Palestinian Authority to seek a declaration of statehood by the United Nations. The unilateral action of the Palestinian Authority is intended to circumvent the peace process. It is not a good-faith effort to achieve peace in the Middle East but, to me, rather it is a political maneuver.

The United Nations should not be interfering or intervening in this complex process and should refrain from passing unilateral declarations on issues that are part of ongoing direct negotiations by the parties. The decision about borders and statehood should be achieved through a final agreement, an agreement between the Government of Israel and the Palestinians.

The United Nations should refrain from dictating and imposing a final decision on statehood for a territory of one of its own current member nations. To me, this will only make matters worse. It will make this situation worse because the consequences to the peace process are grave.

The ability to move forward with an agreement is weakened and greatly diminished by these types of tactics. The best path to peace is through direct negotiations between the two parties, not through a manipulation at the United Nations. The United States continues to support a two-state solution as a means to ending the conflict. It is based on the belief that it is the only way to achieve a true and lasting peace between these two parties.

Instead of embarking on the time-consuming campaign to gain support in the United Nations General Assembly, the Palestinian leadership should be working directly with Israel on creating a real and sustainable peace agreement.

The request for recognition by the United Nations is part of a terrible emerging trend from the Palestinian Authority. The Palestinian Authority continues to engage in troubling behavior that is contrary to peace.

On May 4, the Palestinian Authority reached an agreement with the terrorist group, Hamas, to create a unity government. It is outrageous that the Palestinian Authority would be willing to unite with a known terrorist group that is infamously recognized for its destructive acts of violence.

Since 1997 Hamas has been designated by the U.S. Department of State as a foreign terrorist organization. Hamas